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| APPLICATION NO. | FIL | ING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO |
|-----------------|------|------------|----------------------|---------------------|-----------------|
| 10/007,109 | 1 | 1/19/2001 | Braj Bhushan Lohray | U 013701-9 | 3537 |
| 140 | 7590 | 06/27/2005 | | EXAMINER | |
| LADAS & F | | r. | KIFLE, BRUCK | | |
| NEW YORK | | 023 | | ART UNIT | PAPER NUMBER |
| | • | | | 1624 | • |

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s) | |
|--------------------|---------------|--|
| 10/007,109 | LOHRAY ET AL. | |
| Examiner | Art Unit | |
| Bruck Kifle, Ph.D. | 1624 | |

| The MAIL IND DATE of this communication appears on the cover sheet with the correspondence address THE REPLY IELD 17 June 2009 SAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ☑ The reply was flied after a final rejection, but prior to or on the same day as filting a Notice of Appeala. To avoid abandonment of this application explainment with the prior of the same day as filting a Notice of Appeala. To avoid abandonment of this application application must timely life one or the oldowing replies (1) an amendment, affidiavit, or other evidence, which were application of the control of the prior of the prior of the control of the prior of th | |
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| 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, afficient, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a ☐ The period for reply expires ② months from the mailing date of the final rejection. b ☐ The period for reply expires ③ months from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (6), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRML REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.13(a). The date on which the petition under 37 CFR 1.13(a) and the appropriate extension fee harder by the date for purposes of determining the period of activations and the corresponding amount of the fee. The appropriate extension fee harders are sent of the sent of th | The MAILING DATE of this communication appears on the cover sheet with the correspondence address |
| this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 4.1.114. The reply must be filed within one of the following time period: a) \(The period for reply expires 3_months from the mailing date of the final rejection. (2) the date set forth in the final rejection, whichever is later. In o event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. (2) the date set forth in the final rejection, whichever is later. In o event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. (2) the date set forth in the final rejection, whichever is later. In one vent, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. (2) the final rejection of the final rejection. (3) the final rejection of the final rejection of the final rejection of the final rejection. (3) the set of the final rejection of the final rejection. (4) The Notice of Appeal was filed on | THE REPLY FILED 17 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. |
| b) | this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3 a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the followin time periods: |
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| Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as stort in (b) above, if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.70(b). NOTICE OF APPEAL. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal and See 161.37(a), or any extension thereof (37 CFR 41.37(a)), a void dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS MENDM | no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN |
| 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (an), to avoid dismissal of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: | Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely file may reduce any earned patent term adjustment. See 37 CFR 1.704(b). |
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| (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed to reverome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Applicants have not shown unexpected or superior results. 12. Note the attached Information Disclosure Statement(s | |
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